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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RICHARD D. SAVIDGE,

11 Petitioner,

No. CIV S-05-0335 LKK KJM P

12 vs.

13 STUART J. RYAN, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner has requested an extension of time to file and serve a traverse pursuant
17 to the court's order of May 25, 2005. Good cause appearing, petitioner's request for an extension
18 will be granted.

19 On August 15, 2005 and September 30, 2005, petitioner requested the
20 appointment of counsel. There currently exists no absolute right to appointment of counsel in
21 habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18
22 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of
23 justice so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the
24 court does not find that the interests of justice would be served by the appointment of counsel at
25 the present time.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's September 30, 2005 request for an extension of time is granted;

2. Petitioner shall file and serve his traverse on or before November 21, 2005;

and

3. Petitioner's August 15, 2005 and September 30, 2005 requests for appointment of counsel are denied without prejudice to a renewal of the motion at a later stage of the proceedings.

DATED: October 13, 2005.


UNITED STATES MAGISTRATE JUDGE

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